# STATE OF MICHIGAN

# COURT OF APPEALS

In the Matter of JACOB DAVIS, MISTY DAVIS, MARY DAVIS, and JAMES VANTREASE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROL VANTREASE,

Respondent-Appellant,

and

HERSHALL VANTREASE, BILLY DAVIS, and ZACKIE NORRIS,

Respondents.

UNPUBLISHED
January 23, 2001

No. 225026
Genesee Circuit Court
Family Division
LC No. 97-109230-NA

Before: Markey, P.J., and Whitbeck and J. L. Martlew*, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(*ii*) and (g); MSA

Circuit judge, sitting on the Court of Appeals by assignment.

27.3178(598.19b)(3)(b)(*ii*) and (g).[1] We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that respondent-appellant knew that the children were being sexually abused, but sought no outside assistance for them, refused to cooperate with caseworkers in the matter, continued to leave the victims vulnerable to their offenders, and admonished the children to regard the matter as some kind of family secret. These factors supported the trial court's conclusion that respondent-appellant failed to take appropriate action to prevent further abuse. Further, the evidence that respondent-appellant tended to put the needs of the men in her life above those of her children supports the court's conclusion that respondent-appellant is not likely to remedy the situation within a reasonable time. The evidence that respondent-appellant substantially failed to fulfill the requirements of her parent-agency agreement additionally supports the court's decision. See *In re Ovalle*, 140 Mich App 79, 83; 363 NW2d 731 (1985); MCR 5.973(C)(4)(b).

Further, the evidence did not establish that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo*, *supra* at 344, 356-357.

Finally, respondent-appellant did not raise her novel argument before the trial court that an investigator should not have been permitted to testify concerning her interviews with the children with regard to their allegations of sexual abuse, on the ground that the investigator did not conduct the interviews in accordance with any officially approved protocol. See MCL 722.628; MSA 25.248(8). Therefore, this issue is not preserved. *Providence Hospital v National Labor Union Health & Welfare Fund*, 162 Mich App 191, 194; 412 NW2d 690 (1987). The argument promises little merit in any event. Respondent-appellant cites no authority for the proposition that the remedy for failure to follow an approved protocol is to bar the investigator from testifying about the interview.

For these reasons, we conclude that the trial court did not err in terminating respondent-appellant's parental rights to the children.

We affirm.

/s/ Jane E. Markey
/s/ William C. Whitbeck
/s/ Jeffrey L. Martlew

[1] The trial court also terminated the parental rights of the three respondent fathers, but none have appealed that decision.